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THE
LIBERTY
AND
INDEPENDENCY
OF THE
Kingdom and Church
OF
SCOTLAND.
ASSERTED FROM
Antient Records.

2338

EDINBURGH,
Printed by Mr. Andrew Symson, 1702.

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THE ESTATE

Q. N. A.

INDEPENDENCE

СИСТЕМО

Kingdom and Church

CLVIA ITOOZ



ASSISTANT
MAYOR

Ancient Records

Four electron micrographs of cell nuclei, showing a dense nucleolus in each.

AD 1900
Printed by Mr. Murray & Son

(†)

TO THE very Learned and Worthy
Professor of History,
Mr. Henry Dodwell.

SIR

It is very surprising to us here, that some Papers have been printed lately at London, which invade the Rights and Liberties of the Ancient and Independent Kingdom and Church of Scotland, at a time when many of that Order of Men, who formerly defended them, are now groaning under beavie Pressures and few pitie them. That this should be done by some of the same order is matter of Astonishment to all good men. And this is done, without produceing any Law or Statute for it, without any Ordinance, Pragmatical Sanction or Decree, either of OEcumenical or Provincial Council. And this is obtruded upon a Church, which by the confession of their own Historians, did first instruct their Nation in the True Religion, and gave many Bishops, and Superiours of Abbeys and Monasteries to them: And all the Ground of this is some Papers they have published, Some whereof bear unquestionable marks of their Forgerie, others the proofs that their claim was never yielded either by our Kings or Church-men. And this

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((+))

the ~~right~~ ~~and~~ ~~proper~~ ~~possession~~ ~~of~~ ~~these~~ ~~Rights~~ ~~and~~ ~~Liberties~~
after several Discourses of the Matter in our Favour,
by some of the best Popes of these times. Since Natural affec-
tion could force the Son of Christ, who was born Dumb,
when his Father was in hazard of his Life, to say, Kill not
the King, it cannot be thought strange, If tho' no Churchman
should make use of the small pith I have, to defend the Rights
and Liberties of my Country, and it's National Church. That
I have perfized yr Great Name to this attempt of mine, is
an Acknowledgement, that is due to your skill in these matters,
and to your Integrity, and to the particular favours you did,
Sir, to

Nowhod (W.M.)

Yours most humble Servt,

Rob. Sibbald, M. D.

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To which is added,

The Discourse of *Gilbertus Clericus*, Extracted out of *Fordon's M: S:* kept in the Bibliothek of the Colledge of *Edinburgh*.

The Contests

SECTION I

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**The Liberty, and the Independency
of the Kingdom, and Church of
S C O T L A N D , asserted from
Antient Records.**

S E C T I O N I.

The Liberty and Independency of the Kingdom asserted.

THE Learned Lawyer and Historian Sir Thomas Craig, hath in his Treatise of Homage, by many arguments maintained, the Independency of this Kingdom and Church ; to which, (that I know) no answer was given; yet of late some Papers have been Printed, which seem to infer the contrary; And altho' some of great knowledge amongst our Neighbours have ingenuously told, that they laid no great weight upon these Papers, and that some of them favour strongly of the English Cloyster: yet because some are apt to Credit these things without Examining them, and some think they have gotten an advantage of us by publishing them: Some men of great Judgement here, think it fit there should be published a short Vindication of the Independency of this Kingdom and Church: and because I have some Antient Records to that

purpose, which were never published here, they requested me to publish them at this time, with such others I have seen, that are not mentioned by Sir Thomas Caius, which I have done. I shall first give these which show this Kingdom demanded not upon England because of the Homage our Kings performed: & then I shall prove that our Churchmen did not acknowledge any Subjection to the Church of England: and I shall confirm both, from the Testimonies of Books printed in England, from the Manuscripts they have there, which they must needs acknowledge to be valid and probative.

And to begin with the Independence of this Kingdom: The Homage done by our Kings doth not infer any Homage for this Kingdom: This I make appear from the Homage done by them, as it is set down in the *Chronicon of Merton*, Printed at Oxford, Anno 1684. Which giveth this account of the Homage performed by *Malcolm IV.* King of Scotland.

Anno M. C. LVII. Rex MALCOLMUS Scotorum, Veniens ad Regam Angliae Henricum apud Cestrum, dominum suum, eo modo, Quo Avis sum fuerat homo volunt Regie Henrici, SALVIS Omnibus Dignitatibus Suis.

The same Book of *Merton*, ad annum 1217, giveth account that *Alexander [II.] King of Scotland* "apud Norhauntun veniens, à novo Rege Anglie cum summa reverentia suscepit" est, & ibidem hominum fecit, dicito Regi Anglie, pro compitatu de *Hunedun* & ceteris terris, quas predecessoris sui tenuerant de Regibus Anglie: Proximo die Sabbati ante natu-
"tale Domini.

Neither in the former of these, nor this, is there any mention of the Kingdom of *Scotland*: In the former there is a reservation of his dignities: which freeth the Kingdom from Subjection: and in this, it is expressly said, the Homage was performed, for the Earldom of *Hunedun*, and the other Lands his predecessors held of the Kings of *England*.

There is a more special restriction in the Homage done by *Alexander [III.] King of Scotland*, the year 1278 which is to be seen

seen in the ancient Register or Chartulary of Dunfermline,
kept in the Lawyer's Bibliotheca at Edinburgh.

THE TITLE IS.

De Homagio quod fecit Alexander
[III] Rex Scotorum, Domino Edwardo
Regi Angliae, Filio Regis Henrici, apud
Wextmonasterium, M. CC. LXXXVIII.
sub his verbis.

EGO devenio hominem vestrum, pro terris quas de vobis
teneo in Regno Angliae, de quibus Homagium vobis
debeo: **SALVO REGNO MEO.**

"Tunc dicit Episcopus Norwicensis, Et saluum fit Regi Ang-
liae, si jus habeat ad homagium vestrum de Regno. Cui Rex
postea respondit, & aperito dicens, Ad Homagium Regni mei
Scotorum nullus jus habet nisi **SOLUS DEUS**, nec illud teneo
nisi de **SOLO DEO.**

"Tunc Robertus de Brus Comes de Caryk, fecit fidelitatem
pro dicto Domino Rege Scotorum, jurando in anima sua sub his
verbis: Sic Deus me adjuvet & Christi gratia, Dominus meus
Rex Scotorum qui hic est, est vobis fidelis, de vita & membris,
& de terreno honore, & vestra concilia celabit.

"Et tunc Rex Scotorum adjectit secundum formam Homagij
quod sibi fecit, scilicet de terris quas de vobis teneo, in Re-
gno Angliae: & Rex Scotorum concessit, quod faceret servitia
Regi Angliae de illis (Salvo Regno suo) debita & consue-
ta, eidem fecit Homagium.

This sheweth, the Homage was expressly for the Lands
our Kings held in England; and not for the Kingdom of Scot-
land

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land, which is excepted. And from these Records, and the proofs adduced by Sir Thomas Craig, it is evident that the Kingdom of Scotland did not depend on England. I come now to prove the Independency of the Church of Scotland likewise.

SECTION IV.

Of the Independency of the Church of Scotland.

GOD of his Mercy to this Kingdom, very soon sent us the Light of the Gospel, as appeareth from Tertullian and other Writers: and our Church men were very careful to preserve the Liberties of the Church: England submitted to the Tyranny of the Pope of Rome, long before we were brought under it, as appeareth from Bede and other Histories. The English had Arch-Bishops before we had any; but we had very soon one who was called *Episcopus Scotorum*. Some extracts I have out of the Ancient Register of the Priory of St. Andrews, tell us, "Regis Alexandri [I] diebus, prope vix temporis finem, "D. Robertus primus Sconensis Ecclesiae Prior, in Episcopum "Scotorum, electus fuit, sic quippe ab Antiquo Episcopi Sancti "Andreae sunt dicti. Et in Scriptis tam antiquis quam modernis "inveniuntur dicti, summi Episcopi Scottorum, Unde conscribi "fecit in theca Evangelii. *Fothet Episcopus, maxima vir Autho- "ritatis, versus istos,*

Hanc Evangelii Thecam construxit aucta. Hoc agit a mo- "Fothet, qui Scottie summus Episcopus est.

"Si.

"Sicut nunc quoque in vulgari & communis locutione Episcop.
Episcopi Almaine appellatur. The Bishop of St.
Andrews had many privileges granted by the Popes. I shall
give two from the Original Bull I have.

The first is granted by Pope Alexander [IV.] and is thus:
¶ Alixander Episcopus, servus servorum Dei, Venerabilis fratre
¶ Episcopo Sancti Andree Salutem & Apostolicam bene-
¶ culationem. Ex illorum omnium Ecclesiarum sollicitudinem tenemus
¶ generali gerere, illius tamen que ad Romanam Ecclesiam
¶ quillo mediante pertinent, intueri sollicitus nos aportet, pre-
¶ cavendo indempnitatis earundem & protectibus prout no-
¶ vis donat Dominus intendendo. Hinc est quod nos volentes
¶ quantum cum Deo possumus Ecclesiam tuam Sancti Andree &
¶ futuro gravamine precavere, ut te natura debitum persolvente,
¶ Carissimus in Christo filius noster Rex Scotorum illustris vel alii
¶ quils alii, bona mobilia predicta Ecclesie occupare nequeant
¶ cum hoc ipsi non habeant de consuetudine vel a jure, aucto-
¶ ritate presentium districtus inhibemus. Nulli ergo omnino
¶ hominum licet hanc paginam nostram inhibitionis infringere
¶ vel si nisu temerario contrarie: si quils auctor hoc attempta-
¶ ne presumptie indignationem omnipotentis Dei & Beatorum
¶ Petri ac Pauli Apostolorum ejus se neveria incutirum. Dati
¶ Anagnie XII. Kis Decembris
¶ Pontificatus nostri secundi Anno quinto.

This, besides the particular privilege granted to the Bishop, showeth the Church of Saint Andrews belonged to the Roman Church *nulla mediante*, which excludeth all Foreign Metropolitans; and proveth it had none such. The other is granted by Pope Innocent [IV] to Abel Bishop of St. Andrews, and is thus,

¶ Innocentius Episcopus, servus servorum Dei, vener-
¶ abili fratri Abel Episcopo Sancti Andree, Salutem & Aposto-
¶ licam benedictionem. Personam tuam sinceram diligentes in
¶ Domino caritate, libenter tuis precibus benignum accomoda-
¶ mus. (Int. omnium episcoporum) 29. quodq. de ratione eius
¶ 13

"mus auditum, eas precipue ad exauditionis gratiam admittens.
 "do, que honorem tuum specialiter respicere dimicuntur. Tula
 "igitur supplicationibus inclinati, auctoritate tibi presentium
 "indulgemus, ut ad provisionem alicujus in pensionibus vel Ec-
 "clesiasticis beneficiis compelli non possis: nec aliquis valeat, te-
 "invito, de hujusmodi beneficis ad tuam collationem ipe9anti-
 "bus, alicui providere per literas sedis Apostolice vel Legatorum,
 "ipius impetratas. Dummodo nemini sit ius acquisitum per
 "eas, aut etiam impetrandas absque speciali mandato sedis e-
 "iusdem faciente plenam & expressam, ac de verbo ad verbum,
 "de hac indulgentia mentionem. Nulli ergo omnino hominum,
 "liceat hanc paginam nostre concessionis infringere vel ei nisu
 "temerario contrarie. Si quis autem hoc attemptare presum-
 "pserit indignationem omnipotentis Dei & beatorum Petri &
 "Pauli Apostolorum ejus se noverit incursum. Dac.
 "Lateran. XII. Kis. Aprilis
 "Pontificatus nostri anno Undecimo.

This likeways, by the Privledge given, excludeth a Me-
 tropolitan; yea the very orders of the Court of Rome: if they
 mention not this priviledge. To confirm this, I shall set down
 here, what Hoveden gives us, *ad annum 1388, fol. 37v.*

Epistola Clementis ad Willielmum Regem Scottorum de
 exemptione Ecclesiarum terre sua.
 Clemens Episcopus, servus servorum Dei, charissimo in
 Christo Filio Willielmo illustri Scottorum Regi, Salutem
 & Apostolicam benedictionem: Cum universi Christi iugo sub-
 jecti ad fedem Apostolicam, patrocinium invenire debeant &
 favorem, illos tamen specialius convenit munimine protec-
 tis confoveri, quorum fidem ac devotionem in pluribus est
 experita, ut ad ipsius electionis favorem tanto amplius provo-
 cetur, & ejus reverentia, devotiori affectione subdantur,
 quanto benevolentia ipsius & Gratia pignus se noverint, cer-
 tius affectuos: ea proper (charissime in Christo Fili) reveren-

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“diari, ac deviationem, quam ad Romanum te habuisse a Ion-
“gis retro temporibus ecclesiam novimus, attenderem, pre-
“tentis scripti paginā duximus statuendum, ut Scoticā Ec-
“clesiā Apostolicā sedi, cuius filia specialis existit, nullo me-
“diante debet subjacere, in quā hæc sedes Episcopales esse no-
“scuntur. Ecclesiæ videlicet Sancti Andreæ Glasguensis, Dun-
“keldensis, Dumblinensis, Brehinenis, Aberdonensis, Moray-
“iensis, Rosanensis, Katinensis. Et nemini licet nisi Roma-
“no Pontifici, vel Legato ab ipius latere destinato, in Reg-
“num Scotiæ interdicti, vel excommunicationis tententiam
“promulgare, & si promulgata fuerit, decernimus non valere:
“adjudicimus, ut nulli de cetero, qui de Regno Scotorum non fue-
“rit, nisi quem Apostolica sedes propter hoc de corpore suo
“specialiter destinaverit, licitum sit in eo Legationis offici-
“um exercere. Prohibemus autem ut controversia, quæ fue-
“rint in Regno illo de possessionibus ejus exortæ, ad examen
“extra Regnum positorum judicium non trahantur, nisi ad Ro-
“manam Ecclesiam fuerit appellatum. Si qua vero scripta con-
“tra hujus libertatis statuta apparuerint impetrata, vel in poste-
“rum, istius concessionis mentione non habitis, contigerit im-
“petrari: nullum tibi, vel iphi regno circa hujus prerogative
“concessionem, præjudicium generetur, præterea libertates &
“immunitates tibi, vel eidem regno, vel Ecclesiis in eo con-
“stitutis, a prædecessoribus nostris Romanis Pontificibus indul-
“tas, & hactenus observatas, ratae habemus & illibatas fu-
“turis temporibus statuimus permanere. Nulli ergo hominum
“liceat paginam nostræ constitutionis & prohibitionis infrin-
“gere, vel ei aliquatenus contrarie, si quis autem hoc attentare
“præsumperit, indignationem omnipotentis Dei, & beato-
“rum Petri & Pauli Apostolorum ejus, se noverit incursum.
“Datum Lateranis, tertio idus Martii, Pontificatus nostri anno
“primo.

“In the next place, I shall set down as Sir Henry Spol-
“man hath it from Hoveden, Annal pars postea fol: 406: and

Dated, A: D: 1191: 2 R: 1: the *Decretum Episcoporum*
 Iustini Papae III. quo "Scoticam Ecclesiam Apostolicae Sedis
 ducere mediante, inquit: Anna Pontificatus sui primi: non
 nullis auctoribus citata est: quod milletumq; A: situlit
 Eodem anno (inquit) Willielmus Rex Scotorum misit
 Nuntios suos ad Celestimum summum Pontificem pro liber-
 tatis Ecclesiasticae regni sui confirmandis, & invenit gratiam
 in oculis Domini Papae; ita quod Dominus Papa in hanc
 Verba scripsit H: H:
 "Carlestinus Episcopus, servus servorum Dei, charissimo
 in Christo filio Willielmo illustri Scotorum Regi, Salutem
 Apostolicam benedictionem. Cum universi Christi iugo
 Subiecti apud sedem Apostolicam patrocinium invenire de-
 beant & favorem, illos tamen specialius coavenit promotio
 tonis multamine conferri, quorum fidem & devotionem in
 pluribus est experta, ut ad ipsius dilectionis favorem tanta
 amplitus provocentur, & ejus reverentia & devotori affectione
 subdantur, quanto benevolentia ipsius & gratia pignus se
 noverint cedus allegantes. Ea propter, charissime in Christo
 H: filio, reverentia & devotionem, quam ad Romanam te
 habuisse a longis retro temporibus Ecclesiastam novimus, ac
 tendentes: presentis scripti pagina duximus statuendum, ut
 Scoticas Ecclesias Apostolicas sedi, cuius sitia specialius ex-
 istit, nulli & loco MEDIANE, debet subiacere,
 in quo haec Ecclesiales esse constuntur: Ecclesiaz VIZ.
 Sancti Andrea, Clargensis, DunReldenis, Dumblanensis,
 Brehinensis, Abberdonensis, Moravensis, Rotanensis, Gath-
 nensis; & nemini licet nisi Romano Pontifici, vel Legi-
 to ab ipsius Latefe destinato, in regnum Scotiae, interdicto
 vel excommunicacionis Sententiam promulgare; & si pro-
 mulgata fuerit, decernimus non valere. Adjicimus ut nulli
 de cetero, qui de regno Scotiaz non fuerit, nisi quem Apo-
 stolica sedes proper hoc de corpore suo specialiter destina-
 verit

"verit, dicitur sicut in iugationis officium extiterat. Pro-
 "hibemus autem unicunquemque quod faciat in regno nisi de
 "possessionibus suis iustis, ad examen eximi regnum polito-
 "rum iudiciorum non tribantur, nisi ad Romanas Eccliam sue-
 "rit appellatum. Si quis vero scripsit contra hoc liberatis
 "statutum, apparuerint impenata, vel impostorum, istius con-
 "cessione mentione non habita, contigerit impetrari, nullum
 "tibi vel ipso iugno circa hujus prelogatus conciliorum pra-
 "judicium generetur. qd. Praesca libertatis & immunitates fi-
 "bi, vel ei regno, vel Ecclesie in eo constitutis, a predecessori-
 "bus nostris, Romanis Pontificibus iudicatis, & hancen ob-
 "servatas, ratas habemus, & illibatas futuris temporibus sta-
 "tuimus permanere. Qd. auct. 1595. si i. 1595. R. c. 1595. m. 1595.
 "Nulli ergo hominum licet hanc paginam nostra constitu-
 "tionis & prohibitionis infringere, vel ei aliquatenus contra-
 "ire. si. Si quis autem hoc attinere presumperit, iniquitatio-
 "nem omnipotentis Dei, & beatorum Apostolorum Petri &
 "Pauli, se neverit incursum. da. Datum Laterani, tertio J-
 "dus Martii, Pontificatus nostri anno primo.

I proceed now to show, that our Church-men did all things
 belonging to the Government of the Church, without any De-
 pendancy upon England. That they had provincial Coun-
 cils each year, made Canons, and had one of their own
 Bishops, under the Title of Conservator, who Summoned the
 members to the Provincial Council, and did preside therein.
 I shall first produce the Letter for Holding each year a pro-
 vidual Council [it is by Pope Honorius III] I give it as I had
 it extracted by a Friend, out of the Old Chartularie of Mur-
 ray, in the hands of the present Bishop. It is thus.

"Honorius Episcopus, servus servorum Dei, venerandis Filiis,
 "Universis Episcopis Scotie & Abbatibus, salutem. Quidam
 "velutum nostris super auribus incimaverunt, quod cum non
 "habeatis Archiepiscopum, cuius auctoritate possitis provin-
 ciali

"gale concilium celebaret, contingit in Regno Scotorum
 "quod est a sedis apostolica xam remorum faciua negligi Ge-
 "neralis Concilium etiam plura commoti, qui remuntur Im-
 "punita cum autem provincialia concilia omitti non debent in
 "quibus de corrugendis excessibus & moribus informantibus dili-
 "gens est habendus cum Dei timore tractatus; as Canonicas
 "religendas sunt regulae & servandas maxime quia in eodem
 "Concilio Generali sunt statuas per apostolica yobis Scripta
 "mandamus quatenus cum Metropolitano noscamini non
 "habere auctoritatem nostra Concilium provinciale celebretis.
 "Dat. Tybur, xiiii. Kal. jun. pontificatus nostri anno nono.

From this Record it is clear that our Church had then no Me-
 tropolitan by the Pope's own Testimony. And though we had
 no Arch-Bishops then, yet our Church had the Power to
 Convocat a Provincial Synod for the intents mentioned in
 this Letter.

The Course the Church took was, to name one of their
 Bishops *Conservator*, with the Powers belonging to that of-
 fice: For proof of this I give you the Letter of one of the
 Bishops of *Muray*, who was *Conservator* then, which was
 extracted for me, out of the Old *Chartularie of Muray*, a-
 bovementioned. It is thus,

Litera Conservatoris.
 "Reverendo in Christo patri. D. N. N. [This seems to be
 "Alexander] Episcopus Morav. Conservator Scoticanus fa-
 "ltem. Tot onera per eos qui potestatem habere videntur,
 "imponuntur Ecclesia in partibus nostris, quod Sacerdotes &
 "possessiones eorum in luto & latere serviunt; & tot affliguntur
 "Angustis, quod de amaritudinis calice omnes bibant. Cu-
 "pientes rigitur Ecclesia ad solinem & pristinam libertatem
 "reducere, & reduci, provinciale concilium celebrandum a-
 "pud Reith, in domo Fratrum Predicatorum, Die Martii prox-
 imo

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imo post Fessum B. Luca Evangelista, cum continuation
dierum, auctoritate Conservatoria praefigimus. Eadem an-
toritate veritatem Referendam paternitatem requirentes & in
Domino attenius exhortantes, quod ibidem dicto, cum con-
tinuatione dierum cum Pizlatis vestra dico: Et Capitulis
Collegiorum & Conventuum procuratoribus idoneis, in ha-
bitu decenti intersitis, ad tractandum super reformatione sta-
tus ecclesie: Nec dubitamus quin etiam modernis tem-
poribus in Ecclesia Scotica jam oppressa pretiosas aliquas
sibi Deus conservaverit Margaritas, qui diebus Eliæ septem
millia hominum reservavir, qui ante Baal genua non curva-
verunt.

Sir Henry Spelman (Conciliorum vol. 2 pag. 304.) men-
tioneth that "anno domini 1259 vel circiter, Concilium Sco-
ticum, praesente Rege Alexandro, Perth, id est in oppido
S. Johannis, habitum. Of which he giveth this account. Ha-
bitum deinde est concilium primatum Ecclesie, praesente
Rege, Perth, Eo concilio edita sunt Statuta provincialia
approbante Rege & Regni Primoribus, quia & hoc tempore
in Ecclesia observata manent.

Besides this, there is an old Copie of the Chartularie of A-
berdeen, in a private hand at Leisb; In which there is a Col-
lection of the Canons of our Church, Decreed in our Coun-
cills, in all appearance done by Bishop Elphinston, who is
said to have collected them by those who give account of his
writtings. Before these is prefixed a Bull of Pope Honori-
us the 11th for holding Provinciall Councillis in the same man-
ner and with the Formalities, General Councillis were kept,
and there is in this M. S. about a hundred Canons.

It is evident then our Church is Independent of England
and all else except the Pope, when it acknowledged him.

SECT.

SECT. III.

An account of the Controversie concerning the subjection of the Church of Scotland to the English Arch-Bishops.

I shall give an account of the Controversie about the Subjection of our Church to the English, from our Historians briefly. The English Writters pretend that the Popes Paschal and Alexander the III. granted the privilege that the Arch-Bishop of York should preside over the Scots Bishops, who had not as yet an Arch-Bishop of their own, that they might be consecrated by him.

But Polidore says, that those Popes endeavoured to Subject the Scots Bishops to the Arch-Bishop of York, the Scots protesting against it in General, and appealing to the See of Rome: the Controversy was referred to Pope Alexander, who did not decide the same: and our Churchmen did never yield the subjection, as you will see from the History of Radmerus. For upon a Vacancie in the See of St. Andrews, King Alexander the I. surnamed the Fierce, sent to Randolph Arch-Bishop of Canterbury, to have his advice for the promoting of some worthy person, unto the place; and in his Letters to that effect, complained of the Arch-Bishop of York his Encroaching upon the Church of Scotland, through the oversight of Lanfrank Arch-Bishop of Canterbury, that had given way to the Consecration of some of the Bishops of St. Andrews at York.

Tork, and defined his amissane in the redressing that abuse, which he said he could not any longer tolerate: and after-wards he desired *Eadmerus* might be sent to fill the place at *St. Andrew*. The history of this and what followed thereupon, with King *Alexander's* and *Randolph's* Letters may be seen in *Eadmerus hist. novorum*. When *Eadmerus* came he began to magnify the Church of *Canterbury*, and the authority it had over all the Churches of Britain; Declaring, "that by the King's leave, he would seek the Episcopal Benediction from the Bishop, and would not receive it at the Hands of any other: which offended the King greatly, for by no means could he endure to hear of his Church's Subjection to the English: and told *Eadmerus*, He had nothing to do with *Canterbury*, nor so long as he lived should any Bishop of Scotland profess subjection to that See: upon which *Eadmerus*, delivered back the Ring which he had receaved from the King; and laid down his Crozier upon the Altar and away he went. He made afterwards offer to return upon the Kings terms, but he was prevented by a new Election, which the King had caused to be made.

Robert, Prior of *Scone*, with an uniform consent was by the Chapter of *St. Andrews* chosen Bishop, and stood Elect two years before King *Alexander* his Death; and at the request of King *David* he receaved the Benediction at the hands of *Thurstan* Bishop of *York*, with reservation of the Privileges of both Churches, which (Arch-Bishop *Spatzwood* flyeth), if the King had lived, would not have been permitted, for he was a Prince that stood much upon his Royalty, and would not endure at any hand the least encroachment either, on his Kingdom or on the Church. *Eadmerus* (in his *Hist. nov.*) giving account of the conference *Eadmerus* had with this K. *Alexander*, telleth us *cam a Pontifice Eboracensi Consecratus eboracensis*. To that it appeareth he was against the Consecration of any of his Bishops, either by the Arch-Bishop of *Canterbury*, or *York*.

The

The Extracts I have out of the Register of the Priorie of St. Andrew show; that "Imperavit Rex David Confessari Antifitem Ecclesie St. Andreae, jam dictum D. Robertum a piz memoria Turstino Eboracensi Archiepiscopo sine professione vel qualibet exactione, salvâ duntaxat utriusque Ecclesie dignitate, & Sancte atque Apostolicz sedis auctoritate. This is confirmed by Turstinus his writ thereupon, which you will find *Anglia Sacra* tomo 2do. Pag. 234. Thus

Charta Turstini Archiepiscopi de Consecratione Roberti Episcopi Sancti Andreæ, ex Bibliotheca Coroniana
Tunc A. 19.

THURSTINUS Archiepiscopus Dei gratia Eboracensis, universis Sanctæ Ecclesiæ filiis salutem. Non cum sit omnibus tam presentibus quam futuris, absoluè me Confessasse sine professione & obedientia, pro dei amore, & Regis Scotiarum venerabilis David, Robertum St. Andreæ Episcopum, salvâ querelâ Eboracensis Ecclesiæ & justitiae Ecclesie Sancti Andreæ, et si Archiepiscopus Eboracensis do Querelâ suâ loqui voluerit, Rex plenariam restitudinem remota malevolentia ei exequetur ubi juste debebit. Testibus Ranulpho Dunelmensi Episcopo, Johanne Glasguensi Episcopo, Radulpho Orcadeensi, Galfrido Eboracensis Monasterij abate, Heriberto Rocosberiensi, Waldevo de Creilant, Adulpho Priore, Nicholao Sconensi, Waltero de Gant, Euftachio filio Johannis, Hugone de Cavo, & toto Sti. Petri capitulo, Galfrido Murdac, Aschetin de Culmere, & de Scotia Almaro milite, Alden filio Adelwold, Ulichil filio Mernii, Ulichil filio Maldred, Gille, Colman, Slugedt, Roberto de Waterville, Rogero Coyners.

Nota

Thomasius Robertum Consecravit, Anno 1125. qui nullam
(ur dicitur) professionem de quavis Subjectione vel O-
bedientia, Ecclesia Eboracenfi, aut ejus Pontifici facere per-
missus a Scoto est. licet Eboracensis Canonicus fuerit.

Florentina Wigorniensis.

So you see by this unquestionable Record of the Arch-Bishop *Tarquin* confirmed by a Famous English Historian, neither King *David*, nor his Churchmen, yielded any Subjection to the See of *York*.

Upon the Death of *Arnold Bishop of St. Andrews* who succeeded to the abovementioned *Robert*.

The King did recommend his Chaplain Richard to the place, who was immediately elected by the Convent, but not Consecrated for the space of two years after (as Arch-Bp Spotswood sayeth, hist. lib. 2. p. 38.) Because of the Arch-Bishop of York his pretensions. One Roger held at that time the See of York, a Man ambitious beyond all measure, who had procured of Pope *Anastasius* the fourth, a Bull whereby he was designed Metropolitan of Scotland. But the King and the Clergy (notwithstanding the Pope's authority was in those days greatly respected) refused to acknowledge him. And *Anastasius* dying, the Prelates of Scotland did conveen, and by themselves performed the Consecration. Roger then found the favour at Rome to be made Legate of Scotland, and cited the Scottish Clergy to appear before him. Some of them went and kept the Diet, and in the name of the Church of Scotland appealed to the Pope. And thereupon took Journey to Rome. Where the business being de-

bated before *Alexander the III.* Sentence was given against *Roger* his pretended Legation, and the Church of *Scotland* declared to be Exempted from all *Spirituall Jurisdiction*, the *Apostolique See* only excepted. This exemption *Angerlamur*, who in the Mean time was promoted to the See of *Glasgow*, and consecrated at *Rome*, brought back and presented to the King. [Malcolm IV.] Arch-Bishop *Spuriford Bayeth*, the Bull is yet extant.

The dispute grew hotter in King *William* II's Time, for that amongst other things which King *William* promised to *Henry* during his Captivity, before he could be set at Liberty, this is said to be one, that he should bring the *Scots Bishops* to a Conference and Dispute with the Arch-Bishop of *York*, before the Bishops of *England*, and compel them to do what should appear to be just. The Kings of *Scotland* and *England* did shewpon meet at *Northampton*, and *Hoveden* sheweth us, that King *William* brought with him several Bishops, Abbots and Priors of his Kingdom, whom he nameth (Annal. part. post. fol. 314.) who when they were required to give Subjection, answered, that they were never subject to the Church of *England*, nor ought to show any Subjection thereunto. To which *Roger* Arch-Bishop of *York* replied, affirming, that the Bishops of *Glasgow* and *Whithorn* were subject to the See of *York* in the Time of the Arch-Bishops Predetectors.

To which *Focelin* Bishop of *Glasgow* rejoyned, that the Church of *Glasgow* was a peculiar Daughter to the Church of *Rome*, and exempted from all subjection to any other Bishops or Arch-bishops.

Hoveden perverted this Story, for at the Meeting the Arch-bishop of *York* being Plaintiff, did not alledge that all the *Scots Bishops* ow'd him Subjection, but only those of *Glasgow* & *Whithorn*, for which he produced Bulls from the Popes. Therefore it is false what some *English* Writers alledge, that the Pope granted a Superiority over all the *Scots Bishops*,

to the Arch-bishop of York, and as Sir Thomas Craig telleth us, [dissenting concerning Homage, pag. 324] the Bishop of Glasgow did claim himself, and his Colleagues, by this authority. That altho' the Pope had granted such a Privileg to the Arch-bishop of York by Indimation, then yet Pope Clement, being well informed of the injustice of his Predecessor, did free all the Bishops of Scotland from the Jurisdiction of the Bishop of York, and all other Foreign Jurisdiction but that of the Church of Rome. The Bull of Exemption is also Recorded by Hoveden; and both Hoveden and Polydore shew that the Question was never decided.

In the year 1176 Hugo Cardinal de Sancto Angelo at a meeting of the Scotch Clergy at Northampton would have persuaded the Clergy of Scotland to submit themselves to the Primate of York; but a young Chançon named Guver, spake to this effect. "The Church of Scotland, ever since the Birth of Christ was embraced in that Kingdom, hath been a free and Independent Church, subject to none, but the Bishop of Rome, whose Authority was refuse not to acknowledge. To admitt any other for our Metropolitane, especially the Arch-bishop of York, was neither can nor will. For any Contentions which may arise amongst our Selues, we have learned and with Prelates who can determine the same, and a good and Religious Ring, who is able to keep all things in some and order, so as we have no necessity of any Stranger to be set over us. And I cannot think that either his Holines hath forgotten, or you say Lord that are his Legate, can be ignorant of the late Exemption granted unto Malcolm our last King. Wherefore in the Name of all the Scotch Church wee entreat the preservation of our ancient Liberties; and that we be not broughte under subjection to our Enemies. The Legate perceiving that the busyness would not work, and that the opposition was like to grow greater, he brake up the Assembly, and sent the Clergy of the Church of York and the rest of the Prelates home.

These things were done in the Time of King Henry the Second: but Richard the first, who succeeded, did release William King of Scotland of all Covenants made and confirmed by Charter, unto K. Henry as extorted from him, being then his Prisoner, reserving only such Rights to himself, as had been performed by Malcolm his Brother, to his Ancestors Kings of England. I shall give it as it is printed in *Hours* in Ric. I.

Charta Ricardi Regis Anglie de Libertatibus Willielmo Scottorum Regi concessis

RICHARDUS Dei gratia Rex Anglie, Dux Norman-
ie, & Aquitanie, & Comes Andegavia, Archiepiscopis, Episcopis, Abbatibus, Comitibus, & Baronibus, Ju-
stiariis, & Vice-Comitibus, & omnibus ministris & fidel-
ibus suis totius Anglie, salutem. Sciat is nos carissimo con-
sanguineo nostro Willielmo eadem gratia Regi Scottorum
reddidisse castella sua Rokesburgh, & Berewick tanquam
ejus propria, jure hereditario, ab eo & hereditibus suis in per-
petuum possidenda: præterea quietavimus ei omnes conventi-
ones, & pactiones, quas bona memorie pater noster, Henricus
Rex Anglie per novas chartas, & per captionem suam extorrit,
ita viz. ut nobis faciat integrè & plenariè quod Rex Scottorum
Malcolmus frater ejus Antecessoribus nostris de jure fecit,
& de jure facere debuit. Et nos faciamus ei quicquid anteces-
sores nostri prædicto Malcolmo de jure fecerint, & facere
debuerunt, scilicet in conductu veniendo ad Curiam, & re-
deundo a Curiâ, & morando in Curiâ, & in procurationibus,
& in omnibus libertatibus, & dignitatibus, & honoribus ei-
dem jure debitibus, secundum quod recognoscetur a quatuor
proceribus nostris, ab ipso Willielmo Rege electis, & a qua-
tuor proceribus illius a nobis electis; si autem fias, five
marcias

"marcas regni Scotiaz, aliquis nostrorum hominum, postquam
 "predictus Willielmus Rex a patre nostro captus fuerit, n-
 "suspaverit absque iudicio, voluntus ne integrè restituantur.
 "et ad eum statum reducantur, quo erant ante ejus captionem.
 "Præterea de terris suis, quas haberet in Angliâ, seu domini-
 "cis, seu feodis, iusticer in Comitatu Huntundonie, et in
 "omnibus alijs: in ea libertate, & plenius iudice, possideat, & ha-
 "redes ejus in perpetuum, qua Malcolmus, possedit vel pos-
 "sedere debet, nisi predictus Malcolmus, vel haeredes sui
 "aliquid possea infeodaverint: ita tamen quod si qua potest
 "infeodata sunt, ipsorum feodorum servitja ad eum, vel hare-
 "des ejus pertineant: & si quid pater noster predicto Willielmo
 "Regi Scotiaz donaverit, ratum et firmum habere voluimus
 "reddidimus etiam ei Ligantias hominum suorum, & omnes
 "chartas, quas dominus pater noster de eis habuit per Capito-
 "nem suam, & si aliquis alia forte per oblationem retentus
 "aut inventus fuerit, eas penitus viribus carcere precipimus:
 "ipse autem ligius homo noster devenit de omnibus terris
 "de quibus antecessores sui ligii homines antecessorum nostro-
 "rum fuerunt, & fidelitatem juravit nobis, & haeredibus nostris,
 "restibus his: Baldewino Cantuariensi Archiepiscopo, &
 "Waltero Rothomageni Archiepiscopo, & Hugone Dunel-
 "meni, & Joanni Northwicensi & Huberto Sarresbirieni, &
 "Hugone Lincolniensi, & Godefrido Wintonieni, & Gilleberto
 "Rotensi, & Reginaldo Bathonieni, & Hugone Coventrensi,
 "et Willielmo Wigorniensi Episcopis, & Alienor matre Re-
 "gis, & Johanne Comite Moretoni fratre Regis, & multis
 "aliis. The Manuscript Copie I have of this hath some other
 "Witnesses: and it ends. "Datum per manum Willielmi Elyens:
 "electi, Cancellarii domini, apud Cant. Regni nostri anno primo.

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rumpit. quod in dictione aucto. s. 100. illud est. quod
sunt excep. etiam s. 100. ann. 1100. et. 1100. et. 1100.

memor quod et te omnes quae sunt in dictione aucto. s. 100. illud est. quod
in dictione aucto. s. 100. ann. 1100. et. 1100. et. 1100.

SECTION. IV.

The Papers lately Printed are Refuted.

I begin with the Letter to the Archbishop of Canterbury,
Bibl. Corr. Claudio, A.

This, as it is lately Printed can make no Faith, because the
name of our King is not mentioned; but we find the same
Letter in *Edmerus Hist. Novor. Lib. 5. P. 117.* and I
shall set it down as it is there.

“Domino & Patri Charissimo Radulpho, Venerabilis Cantu-
riensi Archiepiscopo, Alexander Dei misericordia, Rex Scro-
rum, salutem & deo & fidelitatis obsequium. Notificamus
“vobis (benignissime parer). quod Episcopus Ecclesie Sancti
“Andreae Apolloli, Dominus videlicet, Turgothus R. K. I. Rep-
“tembr. in gravit a seculo. Unde valde contristamus tanto
“Solatio destituti. Requirimus ergo Paternitatis vestrae con-
“silio & auxilio, sicut confidimus in vobis, ut secundum
“deum, talis substituere valeamus, qui nos & gentem no-
“stram per Deo placitam converfactionem, Regere & docere
“utiluer sciat. Petimus etiam ut recordari ducemini, quod
“vobis jam quadam vice suggestimus de Episcopis Ecclesie
“Sancti Andreae; quod in antiquis temporibus non solebant
“consecari nisi ab ipso Romano Pontifice, vel ab Archiepisco-
“po Cantuariensi; hocque tenuimus & per Successiones tem-
“porum, ex autoritate rurum habuimus, quousque Dominus
“Laufancus Archiepiscopus, (nescimus quo pacto) absenti-
bus

“Eus nobis at non sis. Thomas Beoraci Archiepiscopo illud ad
“Tempus relinaverat, quod omnino, vestris, si placet, audio-
“thimis suffici, non concedimus. Nunc igitur, h[ab]et id no-
“bis nostri que easdem reparandum vestram adjutoriam ipe-
“tate debemus. Quod humillimis votis desideramus & peti-
“mus, tecum nobis conciudinem dignis vestis apicibus re-
“mandare sumus. Valeat.

I desire to know which of these two Copies shall be fu-
“thained Authentique, for both cannot, because they differ. I
“shall first give the Reasons wherefore that lately Printed, said
“to be taken from *Bibl. Cott.*, cannot be received: And then upon
“what ground wee reject that in *Eadmerus*.

In that, from the *Bibl. Cott.* The name of the King is not
“mentioned, which is usual in all Authentick Papers. Then
“the King is not designed *Dei Gratia*, as all Kings, and ours in
“that time, Wrote. Then it hath ~~cor~~ autoritate fixum habuimus,
“while as in the other it is ~~cor~~ sum habuimus. And below it
“hath *Nec igitur*——which destroyeth the sense, while as the
“other hath *nunc igitur* which maketh up the sense wanting
“in the other.

We have a Proverb, *Falloud baib no fiet*: and this Non-
“sense in this Record juffly maketh us suspeid it. I proceed
“to the Copy in *Eadmerus*, which is better worded, as to the
“Sense, but as to Truth, falleth short: For the Designation
“of the King is, *Alexander, Dei Misericordia, Rex Scotorum*,
“which was no unusual. Then, this same King *Alexander* pro-
“veth to be *Alexander I.* Iurnamed the *Fierce*: Wee shall
“grant this King desired Counsel of *Radulf* Arch-bishop of
“*Canterbury* about filling the place of *Turges* late Bishop of
“*St. Andrews* and particularly demanded *Eadmerus*: does it
“follow from thense that he did acknowledge the Church of
“*Scotland* was subject either to the See of *Canterbury* or *Tork*?
“in no way: Yea in this letter he will not have any of his Bps
“to be consecrated by the Arch-bishop of *Tork* and desirereth the
“Arch-

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Arch-bishop of Canterbury his assistance against the Encroachment of the Arch-bishop of York. That he meant any his Churches should be subject to either, is evident from the same *Eadmerus* (ibid p 132) who giving account of the discourse this King *Alexander* had with *Eadmerus* concerning His Consecration, sayes "Eum a pontifice Eboracensi confirari exhorrens; and then addeth, ubi so docente, accepit autem "Ecclesiam Cantuariensem, ex antiquo roti Britanniae "præminere, & iccirco, ipso disponente, te Cantuaria Episcopalem benedictionem velle requirete, conturbatus animo "surgens discessit ab eo. Nollebat enim ecclesiam Cantuariensem anteferri Ecclesia Sancti Andreae de Scotia. And because *Eadmerus* refused to obey, the King made *Robert* Prior of *St. Andrews* Bishop of *St. Andrews*; and below, he sayeth of this King that he told *Eadmerus* "Eum ab Ecclesia Cantuariensi peritus ab solutum, nec omnino ait quid in ea participium habere, sequere in vita sua consensum non praeditum, ut Episcopus "Scotie Subdebet Pontifici Cantuariotum. So it is clear that no regard is to be had to this paper.

Before I examin the Bulls of the Popes, adduced to prove the subjection to the See of *York*, I shall give an account of these Popes, the Circumstances they were in when these Bulls are said to be granted, and what Inducements they might have to grant them, as far as this may be done from *Platina* who writes their Lives, and I must premise this, that *Sir Thomas Craig*, upon good Grounds, denyeth that the Pope could invest the Dignities of our Church, and make the Church, which was free before, a Servant and Hand-maid. If these who claim'd this Subjection did believe that the Pope had such a Power, there was a Trick put upon them, when he was supposed to have that Power which he had not. Both the English Historians abovementioned, and the very Bulls themselves show that our Kings, & our Church men had no Regard to them though they were threatened with Excommunication and Interdiction upon their Disobedience.

Six.

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Sir Thomas Bellfouell sheweth that those who are venturous
Counseil know the Pope doth never keep his own hands,
but what he hath established by one Bull, he can revoke it
by another. And it is certain, that when the Scots complain
elegiacally of this Bull, the Pope being thereunto induced
by good Motives, did grant as much Power to the Scotch
Bishop, as to the English Arch-Bishop. Robyn King did consider
all the Rite of this Controversie, and the Pretext for claiming
this Subjection was this, That our Churchmen, who before
were famous for their Humility and self-denial, became about
this time infected Typhosulari, that is, *With the Lust of
Gnidetur, and fractur Pompei*: and though some good men
mighthadefire to be Consecrated by those whom Fane gave out
to excell in Learning and Piety; yet others of them, to be
Modish after the fashion of the Church of Rome, took the Be-
nediction (when elected) some of them from the Arch-Bi-
shop of Canterbury, and some from the Arch-Bishop of York; Ye Sir Thomas Craig telleth us that a Bishop of Glasgow was
consecrated by the Bishop of Lyon in France. But there was
no necessity for them to do so, for as Sir Thomas Sheweth,
by the Canon Law, the consent or Authority of an Arch-
bishop, is not required to the Consecration of a Bishop. And
that not only Bishops, but sometimes also Archbishops were
consecrated by Bishops.

Scotland was always an Independent Kingdom; and for
that Reason, neither the Archbishop of Canterbury or of York
could ever have a Title to claim any Subjection from it. For
according to the Canon Law, an Archbishop is only the Or-
dinary of a Province; and so the Independent Kingdom of
Scotland could never come under the Jurisdiction of any of
them.

Examining these pretended Bulls, I begin, according
to the order of Time, with that directed by Pope Calix-
tus to King Alexander the 1. This Calixtus is the second
of that name, whd as *Platina* (Showeth in his Life) had a
competitor

competitor, *Gregorius Anni-papa*, called commonly *Pseudo*?
 who was authorized by the Emperor *Henry the V.* whom
 whom *Calixtus* had Debates, and probably might have
 England in this matter, to get Money, which the English
 could better afford than we. It hath been shewn already,
 that this King *Alexander the I.* would never yield that any
 Bishop in his Kingdom should be Subject either to the Arch-
 bishop of *Canterbury* or *Yorke*. And though we should grant
 this were a true Bull, yet it appeareth from the Bull it self, our
 Bishops gave no obedience to it; for these words in it Import
 this, " pro Episcoporum qui in tuo sunt Regno præsumpti
 "one, atque pro venerabilis fratri *Thurstini Ebor.* Archie-
 "piscopi negotio, alias ad te jam litteras misimus, nec exaudi-
 "ti sumus. And the same is confirmed in the other Bull
 directed to the Bishops of *Scotland*, for their obeying the
 Archbishop of *Yorke*, by these words in it "ceterum sicut no-
 "bis significatum est, vos usque adhuc id facere neglexistis.
 And both these Bulls are in favours of *Thurstini*, who by
 his Letter (mentioned by us before) had declared that he
 had Consecrated *Robert* Bishop of *St. Andrews*, "Absolute-
 "sine ulla subjectione aut obedientia.

The next to be examined by us is the Bull of *Innocentius*
 the II. in favours of the same *Thurstinus*: and this is full of
 Wrath and Threatnings; for that the *Scots* had not obeyed
Calixtus and *Honorius* their Bulls; and yet this was not obeyed,
 as appeareth from *Thurstinus* his Letter before mentioned.
 Now this Pope *Innocent* had a Competitor, *Anni-papa
 Anacletus*, who forced him to leave *Rome*, and so was incli-
 nable to make Friends of the *English*, that they might assist
 him against his Adversarie. We may upon good Grounds
 judge it to be Spurious, for that it is so severe, when he knoweth
 that the *Scots* neither had, nor would obey any such order:
 and that it mentioneth a Bull of *Honorius*, to the same pur-
 pose with his, which is not produced. And we have rea-
 son to deny there was any such, since by the favour of the
 Learned

Learned Master Rymer, we have a Bull of Honorius the III.
in our favour, confirming our Independentie, of all except
the See of Rome, and particularly mentioning the Bull of Ce-
lestinus and Innocentius his Predecessors: which I thought
fit to set down here.

**From Mr. Rymer's Letter to the
Bishop of Carlisle.**

*Collatio Libertatum Regis Scotie per
Honori Papam.*

A.P. F.

Honorius Episcopus, servus servorum Dei, carissimo in
Christo filio Alexandro illustri Scotorum Regi ejus-
que successoribus in perpetuum. Cum universi fideles apud
Iadem Apostolicam patrocinum invenire debeant & favorem,
illis tamen specialius conveit ejus protectionis munimine
confixerit quorum fidem ac devotionem in pluribus est ex-
perta, ut ad ipsius dilectionis servorum tanto amplius pro-
yocentur, & ejus reverentia & devotioni affectione subdantur,
quanto benevolentia ipsius & Gratia pignus se moverint cer-
tius affectus. Ea propter, Carissime in Christo Fili. Re-
verentiam ac devotionem quam ad Romanam Ecclesiam a
longis retro temporibus, te ac Prædecessores tuos habuisse
cognovimus attendentes, præsentis scripti paginæ, ad exem-
plar felicis recordationis Celestini & Innocentii prædece-
sorum nostrorum Romanorum Pontificum, distictius mihi
bemus ut, cum Scoticana Ecclesia Tedi Apostolica, sicut fa-
ilia specialis, nullo medio sit Subjecta in qua haec sedes Epi-
scopales

I. Scopales esse holocuitur, Ecclesia videlicet sancti Iohannis
 & Damielleni, & Ecclesia Galloes, Domini deuotissimorum
 & Ecclesia Abegens, Ecclesia Malleven, Ecclesia Rogen
 & Ecclesia Kaden, remissat nisi Romano Pontifici, vel
 "gato ab ipsius latere destinato, in Regnum Ecclesie interdicti
 "vel excommunicationis sententiam promulgare, & si promul-
 "gata fuerit decernimus non valere. Adjicimus etiam ut nul-
 "li de causa quib[us] de Scovia Regno non fuerit, quilibet
 "Apostolica fides propter hoc de corpore suo specialiter de-
 "tinaverit, licet sit in eo Legationis officium exercere. Pro-
 "hibemus autem ut contraversiaz quæ fuerint in Regno ipso
 "de possessionibus ejus exortaz ad examen extra Regnum po-
 "litorum judicium non trahantur; nisi ad Romanam fuerit
 "Ecclesiam appellatum. Si qua vero Scripta contra hujus
 "libertatis statutum apparuerint impetrata, vel in posterum,
 "istius concessionis mentione non habita, contigerit impetrari,
 "nullum tibi, tuisve successoribus vel ipsi Regno circa hujus
 "prærogativæ concessionem præjudicium generetur. Præterea
 "Libertates & Immunitates tam tibi quam Regnante Ecclesiæ
 "in Eodem Regne constitutas ab Ecclesia Romana con-
 "cessas & hactenus observatas, talijs quibusvis, ad eas futuris
 "temporibus illibatas, manete sancimus, salvo istenent
 "Apostolicæ auctoritate. Nulli ergo omnino terminum licet
 "at hanc paginam nostræ concessionis præhibitionis de confir-
 "mationis infringere, vel ci ausu testematio contrarieb[us] Scovia
 "autem hoc attemptare, præsumptiæ indignationem Omnes
 "potentis Dei & beatorum Petri & Pauli apostolorum ejusque
 "noverit incursum. AMEN. AMEN. AMEN. EC.

The Popes Subscription, and severall Cardinals & Bish-
 ops, & Prelates, & others Seales, et signaculorum, & proli-
 "gatis, & alijsq[ue] inq[ue] And then, & remissis, & ministris
 Das Lateran, per manum Rantii S. Romani Ecclesie Vitecani
 cellarii, XI. K[an]t Decemb[re] indicit VIII. incarnationis Domini
 nica anno M CC XVIII. Pontificatus nostri dogni Moos[er]i PP.
 tertii, anno tertio. p[ro]p[ri]etatis s[ecundu]m obitum ultim[um] ziliosi.

The

Bulla directa omnibus Episcopis SCQ-
TIE in specie & non in datim.

Adrianus Episcopus, servus servorum Dei, Venerabilibus
fratribus, H. Glasguentli, Christiano Wittenentli, R.
Sancti Andrez, M. de Dunblan, G. Duschelgentli, T. Ber-
thunentli, G. Aporedunensi, W. Mutteren, S. Sancti Petri in
Ros, & A. Catenehentli Episcopis, Salutem & Apostolicam
Beneficijorem.

Onofriens in aliquâ Ecclesiâ, divina clementiâ disponente,
talis paster statuimus, de cuius discretione atque prudentiâ
bonam nunciam operum nostrorum tanto maiori gudio, ex hoc ip-
so replemuri, quamvis de omnium Ecclesiarum profectu cogi-
tari exultere Suos. Et ideo venerabilem Fratrem nostrum
Rogerum Archiepiscopum Ebor: & Metropolitatum ve-
strum, debitâ benignitate Sufficiimus & pallium (Ponni-
ficis Iciliæ, plenitudinem potestatis,) ipso concessimus,
atque circa nos aliquandiu commorantem, sicut illum, quem
fincero cordis affectu speciali protogativâ diligimus, honeste
tractavimus, & cum inter fratres & Coepiscopos nostros sicut
deciuit, charum habuimus. Ipsum itaque ad Ecclesiam suam
cum Gratia Sedis Apostolica & Literarum nostrarum prose-
cutione, ducente Domino, redeuntem, Fraternitati vestrum at-
tentius commendamus: presentium auctoritate præcipiendo
mandantes, ut eum tanquam Metropolitatum vestrum dili-
gete & honorare curatis, & debitam ei observantiam atque
Reve-

Reverentiam Metropolitico jure, objectione deposita, defer-
tis. Quod si non feceritis, & ei nolueritis obediere, si nos
volumus quodam nos intentandam quam idem inter notariis a-
nimum velutrum propter hoc, Canonice promulgaverit, nos,
auctore Deo, ratam habebimus. Dat. Romae apud S. Pe-
trum, III. Kal. Martij.

This Pope *Adrianus quartus* was an Englishman, and *Pla-*
tinus shows he was in bad Terms with the Emperour *Frederick*
the I. and others, and to have the English upon His Side,
migh't be induced to be friend them, if we shoud grant that
it were a true Bull: but there are several Expressions in the
Bull, for which we have good Reason to suspect it, and judge
it Forged. For our Manuscripts show, this same Roger was
suspended from his Office by Pope *Alexander* the III. the
immediat Successor of this same Adrian; and this Adrian must
have known that our King *Alexander* the I. had refused that
Subjection to the Archbishop of *Canterbury*, and to the Arch-
bishop of *York*, *Turpinus*, as wee have shown. It cannot
then be imagined he could put in this Bull, the clause *objec-*
tione deposita and Threaten to confirm the Sentence should be
pronounced against our Church-men for Disobedience. Nei-
ther can he and his Court (what ever was their corruption
at that Time) be thought so Ignorant of the state of our
Church, as in a Bull directed *omnibus Episcopis Scoticis in spe-*
cie & nominatim, to be guilty of so many mistakes as are in
this. As first, to place the Bp. of *Glasgow* before the Bp. of
St. Andrews. Secondly, to leave out the Bishop of *Whithorn*,
designed then *Candide Caſa*; the Bishop of *Argyle*, designed
Lismorensis; the Bishop of *Orkney*, *Orcadensis*; the Bishop
of the Isles, *Sodorensis*; the Bishop of *Brechin*, *Brebinensis*.
Thirdly, can it be imagined that this Pope and his Court
would name in such a Bull, two Bishops wee never
heard of, *Christianus Wittenensis* and *T. Berbunensis*, and call
them Bishops of Scotland, which except in this Bull, are never
named

named as such in our Historians Records. Fourthly, Is it probable that this should be done with such Threatning in it, at the Time when our King *William* was a prisoner in England? I am sure all unbiassed men are convinced that either this Bull was forged, or else that no regard is to be given to it.

The account I find in our M. S. The Title whereof is *Extracta & Chronica Scotica*, kept in the Lawyers Bibliotheque at Edinburgh, is thus.

'Alexander Papa tertius, suspendit officio Episcopali Rogerum Eboracensem Archiepiscopum, Hugonem Dunelmensem, Gilbertum Londinensem Episcopos. And then this followeb;

'Rogerus Eboracenfis Archiepifcopus, Papa Alexandro tertio fallo függerens, Legationis privilegium super Ecclesiam Scoticanam imperravit, cum quo pompose venit ad castrum de Norham mandans Clero Scotiz illum cum honore ut Legatum Iufcipere, aut sibi cognoscerent divinum officium sequestrandum, Clerus Scotiz elegit ad Respondendum Angelramum Archidiaconum Regis Malcolmi olim Cancellarium, postea Episcopum electum die dominica, & in sequenti Sabato in Presbiterum ordinatum. Salomonem Decanum Glasguensem, & Walterum Priorem de Calco, per quos cum Archiepifcopo est aliquamdiu dispuiatum, donec a Scottis ad Papam est appellatum, coram Quo astantibus procuratoribus Archipifcopi, dictus Angelramus per prefatum Papam Alexandrum tertium in Glasguensem Epifcopum est Conferatus ad Scotorum Laudem. The copie of the Book of Paisly I have sheweth lib. Octavo Cap. 51 (after that the the former Chapter had concluded that in Octavis Pentecost Papa Alexander suspendit Rogerum Eboracensem Epifcopum ab omni Epifcopali officio & ceteros qui interfuerunt coronationi non Canonicae Henrici filii Regis) that, Hic vir Rogerus totis viribus conatus est primatum habere super Ecclesiastem.

‘chesimi Secundus anno’ Domini millesimo nonagesimo
‘agesimo quarto, Anglorum Archidiaconi Cheshire
‘Canonici Malcolmi Regis mortuus Herberto’ Erectus
‘Glasguensem Antitem in Dominica in Sabato Tequente
‘cerdos ordinatus est in quadragessima die Electionis
‘Rothmados pontifice Alexandro tertio consecratus
‘quod Rogerus Eboracenensis satis Moleste sum
‘uniaram informationem officium Legationis ex privilegium
‘falsis suggestionibus impetravit. Noram castello apud
‘fluvium Tuos auxiliante & favente leniaco noviter fortificato
‘& mox ad Clerum Scotiarum Praetulps interas Legationis atque
‘Legatum suscipere destinxit, quod si non obedirent, sum
‘cognoscerent ipsos a divinis officiis sequestrandos.

Sed non profuerunt illi H[ab]e[re] avara[re] Babylonis ares. For the
same Manuscript Sheweth that Quibus auditis Angelamus.
‘Praelatus, cum Salamone Decano Glasguensi & Waltero Estori
‘de Calco de consensu Ecclesie Scoticane aegradatur Nor-
‘mum. Rogero Booticensi Episcopo allocutus unde fuit pre-
‘dictus presumptio illa H[ab]e[re] avara[re] Babylonis ares. Inquit
‘privilegium usurpare. “Disputatum est hinc inde acrier, si
“per Scotos appellatum est ad Alexandrum Papam ad gloriam
“Scotorum.”

And the same Manuscript lib. 8. Cap. 25 sheweth that, 'hoc tempore, post Kal. Februarii Rex Angliae concilio, 'suum agud Northantonam cui interfuit Rex Scotie & omnes Episcopi & pralati Regni Scotorum ad uitissime Regis, 'editum, isti convenerint, Anglii deditantes Ecclesiam, 'Scoticam subiecti Episcopi Eboracensi, sed Rex & 'omnes pralati astantes appellaerunt & ad Gratiam, 'Alexandri Papae Libertatem Ecclesie Scoticanae autoritatis, 'apostolica confirmata cum magnis privilegiis quidem, Scotorum scientibus reportarunt. The M. S. extracta de Chronicis Scotie kept in the Lawyers Bibliotheque at Edinburgh sheweth that 'Concilio Northampton in Anglia Habitio & 'convenientibus tam Anglia quam Scotie Pralatis Rogers,

Eborac-

Eboracensis Episcopus proposuit Ecclesiam Scotticam subiicit
etendam suis Ecclesiaz Eboracensi, ad quod ex abrupto Gilbertus
postea Camerarius Regis, deinde Episcopus Carlisleensis, re-
spondit, Ecclesiam Scotticam liberam, instruxisse anno 640 in
fide, ex illam Anglia partem Borealem a Tempore fluvio est
cupasse.

Quod iustum est petitio, si vis gaudere petitio curia loquitur
et pro te Prelatis minime consultis respondit, si omnes Pre-
lati regni consentiant, ego dissensio subjectioni Ecclesie Scot-
ticae, Ecclesie Anglicane, & hic Dominum Apostolicum
est immediata subiecta est, provoco. Et si oportuerit me
pro eadem mori, hic Caput enim submittendo, nec ultra
Dominis meis hic Prelatis sentio, nec etiam consentio, quia
honestius est ineptum Petrum negare, quam longos terminos
nos dare, quoniam minus decipitur, cui celerius necatur.
His dicens, omnes laudabant Clericum. Et Rogerus Ebo-
racensis Episcopus, illam pretioso Vultu, affurgens, & manu
dentra caput Gilberti contrectans, voce rimboli affantibus di-
xit, Ex propria pharetra, non venit ista Jagula. Et sic Ad-
gili recessentibus, cessavit concilium.

Recognitio Regis Scotiae super Subjecti- one Episcoporum Scotie Ecclesie E- boracensis.

After what has been said, this appears to be so bare,
as to face a retort, That the Learned Bishop of Carlisle
had justly marked it with this Brand, That, It especially is

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of the English Church, by means of which
they have got the power of the English Clergy: Of which, the Right
Reverend Bishop hath this Remark, The
English Hist. Lib. of Monks are rarely so strict-laoed as to
Permit any Boggling in officiant his, and therefore
where the subject will admit of such a plain
piece of knavery, they are to be reward with flattery and forg-
ement. The Discovery of this Fraud probably occasioned
our King William his getting repeated Confirmations from
the Popes of the exemption of the Church of Scotland from
all foreign Jurisdiction but theirs. I shall first show what
may be laid of this Pope Alexander, who is said to have
written this letter, and then I shall show what in it giveth just
grounds of Suspicion that it was forged.

This Pope Alexander the III. as Platina sheweth, had wars
with the Emperour Frederick, and was worsted in Battles with
him, he had several competitors, Antipopes, and the English
adhered to him, upon which Consideration, this Bull (it was
should grant it to be Genuine) seemeth to have been granted
for the English their Liberality contributing to his assistance.
But we cannot grant it to be Genuine, because of it's contents.
For first, no less than thrice our King is made to call the King
of England, Dominum meum without any exception of his Digni-
ties or his Kingdom, and without mentioning the Lands
he held of that King in England, whereas by the Records pro-
duced they were named and the Exceptions (*salvo dignitati-
bus suis, aut salvo Regno suo*) were adjected to it. How ab-
surd is this clause, 'Quod de subjectione Ecclesie Scotiae quam
'Eboracenit Ecclesia antiquo jure sibi vendicat, tam ex scrip-
'tis auctentricis, quas inspexi, quam ex relatione &c. Testimo-
'nio virorum Antiquorum, auctentorum & veridicorum,
'diligenter veritatem investigando comperi, quod ab antiquis
'temporibus ad Ebor: Eccle iam de jure pertineat, &c. How
repugnant is this to the Letter of Turpinus Archibishop of
York adduced before? How contrary to what is cited from the
best

left English Historians, *Andrews*, *Hoveden* and *Sir Henry Savilian*. And this clause, 'Suppliciter posculo quatenus De-
cimmo. meo. Regi &c. Regno. suo &c. Eborac. Ecclesiasticis
potestionem &c. subjectionem, retra. auctoritate, omni ob-
jectione & appellacione remota, restitu. & sed integrati prae-
cipiat. &c. How can this agree with the Popes Bulla in fa-
vours of our Church? Flye of which are extant, besides the two
I have adduced in favours of the Bishops of St. Andrews.
How came our Church to have by a Bull of Honorius, the
power of calling Provincial Councils and making Canons? how
came they to chuse one of the Bishops Conservator with
the Powers mentioned? How came they always to refuse
that pretended Subjection? as the abovementioned English
Historians show. And suppose this had been yielded by King
William while he was a prisoner in *England*, did not King
Richard the L. as is shown, renounce that Right, and oblige
himself to deliver the obligations extorted from King Willi-
am when he was a Prisoner, and restricted the Homage to what
King *Malcolm* the IV had given *Salvis dignitatibus suis* only
for the Lands he held in *England*? That he was not so tame
as this Letter maketh him to be, appeareth from *Spelman*,
Conc. vol. 2do pag. 115 ad annum 1181. Where it is said,
'Eodem anno Rogerus Eboracensis Archi-Episcopus Legatus
in Scotia, & Hugo Dunelmensis Episcopus, ex auctoritate
'Domini Papae mandaverunt Priori Sancti Andreæ & personis
'Ecclesiasticis per Episcopatum S. Andreæ constitutis, ut
'venirent ad Johannem Episcopum suum, & illi debita sub-
'jectionis reverentiam facerent, si minus, in contumaces &
'rebelles sententiam suspensionis inferrent. I find in the M. S.
extra ad. de Cronicis Scotor. That Johannes cognomine Sco-
tus, natione Anglicus ad Episcopatum S. Andreæ est electus;
'sed Rege Willielmo ejus electioni dissentiente. Is Hugonem
'Capellanum suum in Episcopum consecrati fecit. Cum au-
'tem quidam virorum Ecclesiasticorum de Episcopatu S. An-
'dreæ, metu suspensionis venirent ad praefatum Johannem

Episcopum, Willm Rext, illis Regno illis ejus cum
His ex eorum, &c. How does this agree with that simple
test clause which concludes this Letter, *Praymissim possem
tempo meo, & terra mea & dominio, praevenire potest
quoniam ita dicit, quoniam in pace reformata inter dominum meum
Regem & me convenit. Sicuten quod in maximum per-
culum animarum nostrarum redinaret, si id quod pro certo
tuncus competere debere effectu non manciparetur.* Either
this must be forged, or else it was obtruded on, or extorted
from King *William*, when he was Prisoner. And from this
Obligation he was discharged by *King Richard II.* as has been
shown by that King's Letter, adduced before.

Thus the Independency of our Church is abundantly cleared
from what is said; and albeit some Popes, upon politick
Consideration, for their interest, attempted to subject the
Church of *Scotland* to the *English*, yet their design did never
succeed and take effect. I am told, there is a Book extant in
Print upon this Controversie, but it was not my Luck to see
it hitherto. The M. S. of *Fordone* in the Bibliothek of the
Colledge at *Edinburgh*, hath several Chapters about it,
Under these Titles, *Cap. 16. Quomodo Eboracenses conantur Ecclesiam Scotica-
nam sibi subjecere.*

**Cap. 25. Quod Angli nitebantur subjecere Ecclesiam Sco-
ticanam Anglis.**

**Ibidem, De Nobilitate Clerico Gilberto Scoro, respondentem ex
prebantibus sibi Anglis, & de incidentibus.**

I have given from the M. S. I have, the substance of them,
And to show the Opinion of our Churchmen then, I judge
it fit to give the Discourse of this *Gilbert*, word for word,
as it is in the M. S.

Fordoni Scoto-chronici, Lib. viii. Capi-

Only XXV *is the number of the days in the month of May.*

De Nobili Clerico Gilberto Scotti

respondente, exprobrantibus sibi An-

verb, **verbum**.

A Propter primum Concilium Northumbricum tenuum, praesentibus Richardo Cantuariensi & Rogero Eboracen-
si Archiepiscopis, cum viriisq; Regni Clero: Quidam Ele-
citus Scottus, Gilbertus nomine, cancellorum Scotticam sub-
sackionis Ecclesie episcopum pereoperatus, ex eorum verba pro-
presa, quae in Scottis regorferant, audierat: i) fuit pene pro-
lapsus, agnitus velut ferrum etiandem, & suis invitis omni-
bus Prelatis & Clericis, sed & Archiepiscopis cum subiectum
ab inicio peractibus, quicquid profare volgerat, impeditus, qui
inter se dicebant, in variis Scottiopagi, plenus est Sermo-
nibus & doctrinam eum inspicere, i) ventris suus, tunc ventus ejus
quasi multum abhac inspicuerat: quod i legemq; uulnus novis
circumspicit. Huiusmodi Verba cum impetratis habavit: Verum
siquis, b) Quidam Anglica nobilitas filius, nimis ceterorum
fermo regnum nobilior gentibus, si nos aut nobilitatis po-
tentiam suam, fortitudinem meruentem subiungit, tyramidis in
auctoritate, nos tuam liberalis scientia & prudenciam, yersutam
Sophisticam in Glosulas callidior transmutares olimani episcopum
nisi veluti ratione duxisti, tuos i praesumis: agus dilponere, sed
cum.

& multitudinis tuae militum etia copiis & diviciarum, re-
 tumq. omnium confusa deliciae, adjacentes quisque paucis
 CHIS, & quentes non multitudine dico. Contra primum, sed & quoniam
 ante nobiliores & temporis antiquiores digniores, Perverbi
 quadam libidine, cruditate dominaudi, tuae attendis ditio-
 ni subdere, de quibus potius pristina si scripta consideres, hu-
 militer obedire debueras, seu totius saltem rancoris extincio
 nomine, fraterna de cetero caritate servata praeeminenter con-
 regnare & nunc quoque supra omnem quam ex exercuclis super-
 biendo nequitiam, nullius juris ratione sed potentiz pra-
 ambulâ vi, matrem tuam Ecclesiam vix. Scotiam ab initio
 Catholicam & liberam opprimere niteris, quae ne defensio
 gentilitatis errantem per invia, iumento fidei imponens veri-
 tatis & viri, ad viam, Christum aeternam quietis hospitium re-
 duxit, Reges tuos & principes cum populis Sacri Baptisma-
 tis undâ lavit, Dei præcepta te docuit & morabitibus te in-
 struxit, multos & nobilium tuorum & mediocrum operam
 Lectiōni date gaudentes, libentissime suscipientes, vicum eis
 cotidianum sine pretio, libros quoque ad legendum & Magi-
 sterium gratuitum præbere curabat. Antiquites tuos, simili-
 tet & Sacerdotes sancti, constituit & ordinavit, per Spa-
 tium insuper annorum xxx. vel amplius ex boreali parte
 Themesis fluvii: primatum tenuit & pontificalis apidem dig-
 nitatis. Teste Beda. Qualem obsecro retributionem multa
 tanti beneficia largienti retribuis? servitutem nuncquid seu
 cladem, veluti Judea Christo, pro bono malum, equidem
 non aliud spero? Quomodo veras in amaritudinem vitis
 aliena, expectavimus ut faceres Ulvas, & Labruscas pro-
 duxisti. Expectavimus ut faceres iudicium, & ecce iniquitas
 & iustitiam & ecce clamor. Quis tuum velle si facta re-
 quantur, quam omni Venerationis cultu tutare te decet, in
 ultimam reduceres & misericordiam servitutem. Vatis, proth. nefas!
 quid autem in serius est, cui beneficia excidunt, hanc in-
 iuria; Venenum quod serpentes in alienam perniciem pro-
 ferunt, sive suo continent, non ita vicum ingratitudinis con-
 tinetur. Torkus ingratus se & macerat, odiq; in augeps
 quaz

'quæ redditurus est & extenuat, injurias vero auget & dilat. Veram sententiam esse Senecæ proclamantis, quod
 'quidam quo plus debent, magis oderunt, leve & alienum
 'debitorem facit quem inimicum, Quid dicis tu David?
 'fateor, retribuebant mihi mala pro bonis, & odium pro dilectione mea. Injustum est attamen servire tali domino, qui nullo placatur obsequio, & tu Ecclesia Anglicana niteris in vetitum, putans sic ferre petitum, imo inconcessum auferre,
 'quod justum est petito, si vis gaudere petito. Et ut alterius
 'verbis audientes, nam afficiam quanquam non oratus: Pro
 'libertate tamen Ecclesiaz Scoticaz, et si totus clerus Sco-
 'tiaz aliter senserint, Subjectioni eorum dissentio, & hic domini
 'minium Apostolicum, cui immediae subiecta est provoco,
 '& si oportuerit pro eadem me mori, hic caput ensi submitto,
 'hec ulterius ad avisandum dominis meis hic prælatis censeo,
 'nec etiam confuncio: Quia honestius est inepre petitum negare, quam longos terminos dare; quia minus decipitur,
 'cui celeriter negatur. Et his dicitis, Anglozum quidam tam
 'Prælatorum, quam Magnatum, Clericum ex eo quod intrepide pro sua patria nulli blandiens animi motum eructaret.
 'Quem etiam audientium non terruit austeritas, multum colaudabant, quin etiam apostolicum ob censurum rigidam,
 'quam paulo ante exercuerat in malignantes Ecclesiasticam
 'libertatem, & in Sanctum Thomam Cantuariensem nimium
 'formidabant. Alij quidem quia suæ voluntatis contrarium
 'protulit, sumosum Scotum & impetuosum naturaliter con-
 'clamabant.

F I N I S.

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